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Bank, was called by the governor of such bank to attend a conference in another state to discuss means of selling treasury certificates for war purposes. While in the other state he was served with process. The court on motion quashed the service. This decision rests the privilege upon the policy of making public service attractive. It is submitted that responsible men will not be deterred from public duty by a fear of suits in strange jurisdictions. The privilege from process exists solely to prevent the clogging of judicial business,<sup>22</sup> and it is the duty of the court to exercise the powers delegated to it and to refrain therefrom only when required to do so by the exigencies of judicial machinery. When it becomes desirable to have a different set of rules for the enforcement of the personal obligations of men in public life, the legislatures doubtless will enact appropriate legislation.

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## RECENT CASES

**ADOPTION — WILLS — PARTIAL REVOCATION OF A WILL BY ADOPTION OF A CHILD.** — A testatrix adopted a child in the manner prescribed by statute. The statute provided that the parties to the adoption should have all the rights and duties incident to the natural relation of parent and child (1915 KAN. GEN. STAT., §§ 6362, 6363). The Statute of Wills provided for the partial revocation of the will of a parent in favor of a child born after the execution of the will (1915 KAN. GEN. STAT., § 11795). *Held*, that the adoption effected a partial revocation of the will. *Dreyer v. Schrick*, 185 Pac. 30 (Kan.).

At common law, a will disposing of all the testator's property, and making no provision for the future wife and child, was revoked by subsequent marriage and the birth of a child. *Marston v. Fox*, 8 A. & E. 14; *Glascott v. Bragg*, 111 Wis. 605, 87 N. W. 853. Since the basis of the rule is the change in the testator's circumstances, the same result has been reached when the child was adopted instead of born into the family. *Glascott v. Bragg, supra*. Under such a statute of adoption, as in the principal case, an adopted child has been held to come within the term "children" as used in a statute of descent. *Lanferman v. Vanzile*, 150 Ky. 751, 150 S. W. 1008. So also as to "issue" in statutes of distribution. *Scott v. Scott*, 247 Fed. 976; *Buckley v. Frazier*, 153 Mass. 525, 27 N. E. 768. The same result has been reached where the words were "lineal descendants." *State v. Yturria*, 204 S. W. (Tex.) 315; *In re Cook's Estate*, 187 N. Y. 253, 79 N. E. 991. In accord with the principal case, it has been held, that, for the purpose of partial revocation of wills, children adopted are children "born." *Bourne v. Downey*, 184 App. Div. 476, 171 N. Y. Supp. 264; *In re Sandon's Will*, 123 Wis. 603, 101 N. W. 1089. But there is also authority to the contrary. *Goldstein v. Hammell*, 236 Pa. 305, 84 Atl. 772; *Evans v. Evans*, 186 S. W. (Tex.) 815. The view of the principal case seems correct, since the adopted child, though it is not a child "born" to the testator, is given by statute all the rights, interests, and duties of such a child. The result should not be affected by the fact that the adoption statute was enacted prior to the statute to be construed. *Buckley v. Frazier, supra*; *Scott v. Scott, supra*.

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<sup>22</sup> "The reason for this (denial of privilege) is that such a summons amounting simply to notice does not obstruct the administration of justice nor interfere with the attendance of a party to a suit then on trial." *Ellis v. De Garmo, supra*, per Stinnes, J.